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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ROOSEVELT ANDERSON JR.,  
  
Defendant.

No. CR 09-01015 JW

STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME UNDER THE  
SPEEDY TRIAL ACT

SAN JOSE VENUE

On October 18, 2011, the undersigned parties in this case appeared before the Court to set a trial in the above-captioned case. During the appearance, the parties jointly requested a trial date commencing on April 19, 2011. The parties informed the Court that their schedules did not permit an earlier trial date. Specifically, defense counsel Bruce Funk explained that he has trials in January, February, and March of 2011. AUSA Susan Knight informed the Court that she has a business-related trip during the week of March 28, 2011. Based on the aforementioned proffer, the Court scheduled a trial starting on April 19, 2011 at 8:00 a.m., and pretrial conference on April 4, 2011 at 1:30 p.m. The Court also scheduled a status hearing for January 31, 2011 in order for Mr. Funk to update the Court regarding his trial schedule. Finally, the parties jointly requested an exclusion of time under the Speedy Trial Act from October 18, 2010 through

January 31, 2011. The undersigned parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

SO STIPULATED: MELINDA HAAG  
United States Attorney

DATED: 10/19/10 /s/  
SUSAN KNIGHT  
Assistant United States Attorney

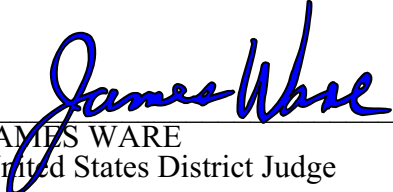
DATED: 10/19/10 /s/  
BRUCE C. FUNK  
Counsel for Mr. Anderson

ORDER

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from October 18, 2010 until January 31, 2011. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

SO ORDERED.

DATED: October 21, 2010

  
JAMES WARE  
United States District Judge